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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/376,381	08/18/1999	KHAI HEE KWAN		6446

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AUSTRALIA

EXAMINER

CHARLES, DEBRA F

ART UNIT PAPER NUMBER

3628

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/376,381

Applicant(s)

KHAI HEE KWAN

Examiner

Debra F. Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-46, 48-55 and 57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-31, 33-37, 39-46 and 48 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 29, 32, 33, 38, 39, 49, 54 and 56 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

1. Claims 29, 38,49 and 56 have been amended.

Allowable Subject Matter

2. Claims 29-31, 33-37, 39-46 and 48 are allowed.
3. The following is an examiner's statement of reasons for allowance:

As per Claim 29:

The prior art of record, specifically Hunt (U.S. PAT. 5724524 A) and Chou (U.S. PAT. 6035289 A), Tozzoli (U.S. PAT. 6151588 A), Bain et al.(U.S. PAT. 6625584 B1), Walker et al. (U.S.PAT. 6085169A), and Walker et al. (U.S.PAT. 5797127A), taken alone or in combination does not disclose or fairly teach an interactive electronic cargo option exchange for cargo service providers to manage cargo freight fees between registered users and cargo service providers by electronically determining the price for cargo option and for existing cargo option to be sold, bought and settled as claimed.

As per Claim 33:

The prior art of record, specifically Hunt (U.S. PAT. 5724524 A) and Chou (U.S. PAT. 6035289 A), Tozzoli (U.S. PAT. 6151588 A), Bain et al.(U.S. PAT. 6625584 B1), Walker et al. (U.S.PAT. 6085169A), and Walker et al. (U.S.PAT. 5797127A), taken alone or in combination does not disclose or fairly teach a computer implemented system for determining cargo option price for freight services over a network connected to a central controller linked to a plurality of terminals as claimed.

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As per Claim 39:

The prior art of record, specifically Hunt (U.S. PAT. 5724524 A) and Chou (U.S. PAT. 6035289 A), Tozzoli (U.S. PAT. 6151588 A), Bain et al.(U.S. PAT. 6625584 B1), Walker et al. (U.S.PAT. 6085169A), and Walker et al. (U.S.PAT. 5797127A), taken alone or in combination does not disclose or fairly teach a method for determining cargo option for freight services over a network connected to a central controller linked to at least one service provider cargo system and a plurality of terminals as claimed.

The claims which depend from the above allowed claims are allowed based on their dependencies.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Election/Restrictions

4. The Examiner is implementing restriction to one of the following inventions as required under 35 U.S.C. 121:

- I. Claim 29, drawn to an interactive electronic cargo option exchange for cargo service providers to manage cargo freight fees between registered users and cargo service providers by electronically determining the price for cargo option and for existing cargo option to be sold, bought and settled, classified in class 705, subclass 1. Claim 29 is different from

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claims 32, 38 and 49 because claim 29 indicates said central controller having searching means to match and rank existing cargo options set by user, means to display with a graphic user interface and means to receive a user request input via terminal an offer for sale or buy cargo option, and means to receive cargo system request which are posted for a predetermined period accessible online to other users, in said exchange. Whereas claim 32 indicates executing a program to calculate the cargo option price that gives the cargo service provider the contractual right but not obligation to sell within a future period said period equal or less to the period before the departure date, the underlying cargo shipping services for a particular route to the seller of said option at a particular price; and posting the cargo option price to await user's response where such offer(s) are open to all users for a predetermined period.

- II. Claim 32, drawn to a method for cargo service providers to request a cargo option, classified in class 705, subclass 1. Claim 32 is different from claims 38, 29 and 54. Claim 38 indicates a method for user to electronically determine a cargo option price. Claim 29 indicates an interactive electronic cargo option exchange for cargo service providers to manage cargo freight fees between registered users and cargo service providers by electronically determining the price for cargo option and for existing cargo option to be sold, bought and settled. And claim 54

indicates a network system for selling an existing cargo option between one user to another user over a network.

- III. Claims 33 and 39, drawn to a computer implemented system for determining cargo option price for freight services over a network connected to a central controller linked to a plurality of terminals and a method for determining cargo option for freight services over a network connected to a central controller linked to at least one service provider cargo system and a plurality of terminals, classified in class 705, subclass 1.
- IV. Claim 38, drawn to a method for user to electronically determine a cargo option price, classified in class 705, subclass 1. Claim 38 is different from claims 29, 32, 49, 54, and 56. Claim 49 indicates a method of electronically originating, pricing and purchasing a cargo option from at least one cargo system connected to a central controller over a network. And claim 56 indicates a method for cargo service provider to electronically offer a cargo option
- V. Claim 49, drawn to a method of electronically originating, pricing and purchasing a cargo option from at least one cargo system connected to a central controller over a network, classified in class 705, subclass 1.
- VI. Claim 54, drawn to a network system for selling an

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existing cargo option between one user to another user over a network, classified in class 705, subclass 1.

VII. Claim 56, drawn to a method for cargo service provider to electronically offer a cargo option, classified in class 705, subclass 1.

5. Inventions represented in claims 29, 32,33,38,49,54 and 56 are unrelated.

Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different equations. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.


This application is in condition for allowance except for the presence of claims 29, 32,33,38,49,54 and 56 which are drawn to a different inventions. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantzy Poinvil can be reached on (703) 305-9779. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


FRANTZY POINVIL
PRIMARY EXAMINER
Debra F. Charles
Examiner
Art Unit 3628
Aug 28
